* BEFORE THE * ZONING COMMISSIONER

> * OF BALTIMORE COUNTY * Case No. 89-49-A

6th Councilmanic District Thomas L. Seymour, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (garage) to be located in the side yard with a 0-foot setback in lieu of the required rear yard and 2.5-toot setback, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protes-

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of September, 1988 that the Petition for Zoning Variance to permit an accessory structure (garage) in the side yard with a 0-foot setback in lieu of the required rear yard placement with a 2.5-foot setback, in accordance with Petitioner's Exhibit 1, be and is hereby GRANT-

ED, subject, however, to the following restrictions:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

 The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

> Zoning Commissioner for Baltimore County

Date: Quq. 9, 1988

Dennis F. Rasmussen
County Executive

JRH:bjs

494-3353 J. Robert Haines Zoning Commissioner

NOTICE OF HEARING

JUL 1 1 ladd

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMER: 88-49-A E/S Babikow Road, 300'± S of Linda Avenue (7719 Babikow Road) 14th Election District - 8th Councilmanic Patitioner(s): Thomas L. Seymour, et ux
HEARING SCHEDULED: TUESDAY, AUGUST 30, 1988 at 10:00 a.m.

Variance to allow an accessory structure (garage) to be located in the side yard with a zero setback in lieu of the required rear yard and $2-\frac{1}{2}$ foot setback respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County cc: Thomas L. Seymour, et ux

Baltimore County

494-3353

J. Robert Haines Zoning Commissioner

Zoning Commissioner

Office of Planning & Zoning

Towson, Maryland 21204

Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204

Mr. & Mrs. Thomas L. Seymour 7719 Babikow Road Baltimore, Maryland 21237

Re: Petition for Zoning Variance CASE NUMER: 89-49-A E/S Bebikow Road, 300 ± 5 of Linda Avenue (7719 Babikow Road) 14th Election District - 5th Councilmanic

Petitioner(s): Thomas L. Seymour, et ux HEARING SCHEDULED: TUESDAY, AUGUST 30, 1988 at 10:00 Dear Mr. & Mrs. Seymours

Please be advised that \$\frac{\frac{110.50}{10.50}}{10.50}\$ is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do <u>not</u> remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND post set(s), there OFFICE OF FINANCE - REVENUE DIVISION each set not MISCELLANEOUS CASH RECEIPT K. 01-615-000 B B 031 **** 11050: a 839. + 49-1. VALIDATION OR SIGNATURE OF CASHIER

Towson, Maryland 21204 494-3353 J. Robert Haines

Baltimore County

Zoning Commissioner

Office of Planning & Zoning

September 6, 1988

Mr. & Mrs. Thomas L. Seymour 7719 Babikow Road Baltimore, Maryland 21237

RE: PETITION FOR ZONING VARIANCE E/S Babikow Road, 300' +/- S of Linda Avenue (7719 Babikow Road) 14th Election District - 6th Councilmanic District Case No. 89-49-A

Dear Mr. & Mrs. Seymour:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

Robert Haines . ROBERT HAINES Zoning Commissioner for Baltimore County

Dennis F. Rasmussen

cc: People's Counsel

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District / HU Var10460 Thomas to Soymour etux

Location of Signs: Isoling Bobition Rd., 200'+ 5/Lindo Hrs

Location of Signs: Isoling Bobition Rd., opprox 10' Fr. 100 dwg.

On Property of Politions.

Date of return: 8/11/80

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., ---- Quig. 4, 1988 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of ----- successive weeks, the first publication appearing on ____ Aug __ 4____, 1988.

THE JEFFERSONIAN,

5. Zete Orling Publisher

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-49-A The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 To allow an accessory structure (garage) to

be located in the side yard with a zero setback in lieu of the required rear yard and 2% feet setback respectively. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for following reasons: (indicate hardship or practical difficulty) 1. Owners desire to construct a two-car garage 20' X 26'on property line. 2. Existing trees block access to rear yard.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property

	which is the subject of this Pent	.10 n .
Contract Purchaser:	Legal Owner(s):	
	Thomas L. Seymour	
(Type or Print Name)	(Type or Print Name)	
	Thomas L. Seymour	/
Signature	Signature	
	Bernadine D. Seymour	
Address	(Type or Print Name)	
	Bernadene D. Seymack	
City and State	Signature	
Attorney for Petitioner:		
(Type or Print Name)	Address Pl	hone N
Signature	City and State	
	Name, address and phone number of legal	owner
Address	tract purchaser or representative to be c	ontact
City and State	Name	
Attorney's Telephone No.:		

ORDERED By The Zoning Commissioner of Baltimore County, this _______ day County, on the 30th day of Light, 1988, at 10 o'clock

Zoning Commissioner of Baltimore County

ZONING DESCRIPTION

Beginning on the east side of Babikow Road (30 feet wide) at the distance of approximately 300' south of Linda Avenue. Described in Deed recorded in Liber 7311, Folio 769, 770, 771, 772.

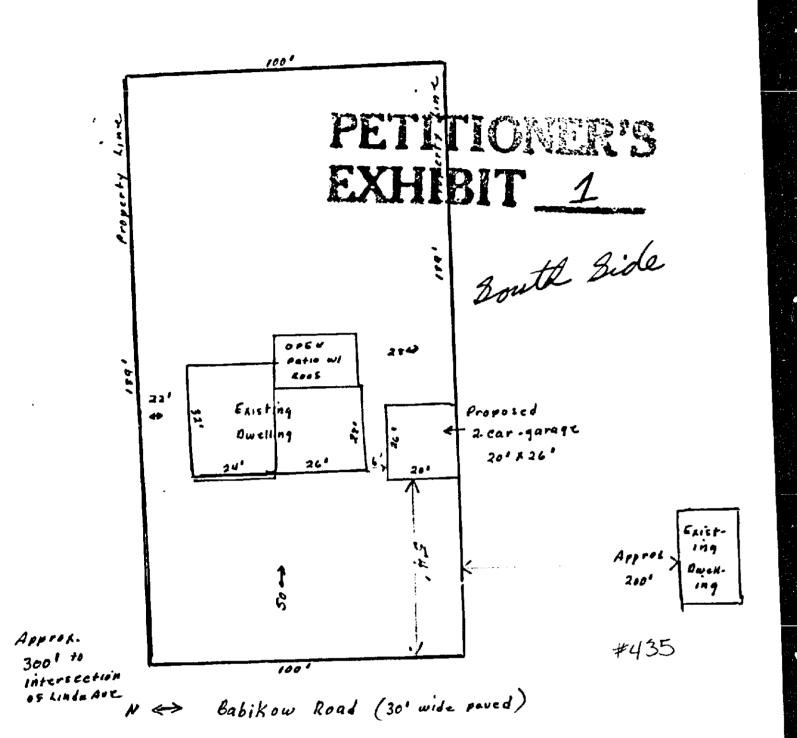
Also known as 7719 Babikow Road in the 14th Election District of Baltimore County.

Plat for zoning variance Owner. Thomas L. + Bernadine D. Seymour District - 14- Zoned. D.R. 3.5 Liber -7311 - Folio - 769-710-771-772 Existing Utilities in Babikow Rd. Scale : 14 = 30'

100' K 179.35'

Lot Size - 1491 acres

Vicinity Map Babikow Rd.



89-49-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this _ day of _____, 1988.

Petitioner Thomas L. Seymour, et ux Petitioner's Attorney

James E. Dyer Chairman, Zoning Plans Advisory Committee

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

June 14, 1988

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Dennis F. Rasmussen
County Executive

Re: Property Owner: Seymour, et ux

Location: Eastside, Babikow Rd., 300' +- S. of Linda Avenue

7719 Babikow Road Item No.: 435

Zoning Agenda: Meeting of 6/14/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments (

Noted and

/jl

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 18, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Bureau of Department of Traffic Engineering

State Roads Commissio Bureau of Fire Prevention Health Department

Project Planning Building Department Board of Education Zoning Administration Industrial Development

Mr. & Mrs. Thomas L. Seymour 7719 Babikow Road Baltimore, Maryland 21237

> RE: Item No. 435 - Case No. 89-49-A Petitioner: Thomas L. Seymour, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Seymour:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Cames & Dyer /dt JAMES E. DYER Chairman

Zoning Plans Advisory Committee

JED:dt

MORE COUNTY, MAREND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner

Date___July_11__1988______

FROM P. David Fields, Director
Office of Planning and Zoning

SUBJECT Zoning Petitions #89-35-A, 89-37-A, 89-38-A, 89-39-A, 89-40-A, 89-42-A, 89-43-A, 89-44-A, 89-47-A, 89-48-A, 89-49-A, 89-50-A, 89-54-A

There are no comprehensive planning factors requiring comment of the subject petitions.

cc: Shirley Hess, People's Counsel
J. G. Hoswell Zoning File

cc: Mr. : Mrs. Thomas L. Seymenr 7-12-88

CPS-008